

**AFFIDAVIT OF NON-DEVELOPMENT**

**STATE OF WEST VIRGINIA**  
**COUNTY OF MARSHALL**, to-wit:

I, John C. Richards, of 837 McQueen Blvd., St. Albans, WV, being of lawful age and being duly sworn, state that for the past 30+ years I have been very familiar with the use and occupancy of that certain tract of land described as follows, to wit:

Legal Description: Subject lands situate in the Liberty District, Marshall County, West Virginia, being 60 acres, more or less, Tax Map 19, Parcel 8.8

The Lands were subject to the following Oil and Gas Leases (the "Leases"):

- a. Oil and Gas Lease dated July 27, 1895, of record in Deed Book 41, at Page 506, by and between Mr. L. Miller, as lessor and W. J. Lewis, as lessee, for the primary term often (10) years.
- b. Oil and Gas Lease dated March 27, 1902, of record in Deed Book 95, at Page 331, by and between Mary A. Miller, et al., as lessor, and The Wheeling National Gas Company, as lessee, for the primary term of eight (8) years.
- c. Oil and Gas Lease dated August 23, 1911, of record in Deed Book 137, at Page 395, by and between George M. Miller and wife, as lessor, and Wheeling Natural Gas Company, as lessee, for the primary term often (10) years ("Original Lease"). By that agreement dated December 31, 1918, of record in Deed Book 187, at Page 205, by and between J. P. Reid, et. al., as lessor, and The Manufacturers Light and Heat Company, the parties thereto agreed that the free gas associated with the underlying lease, by and between George M. Miller and the Wheeling Natural Gas Company, would be transferred from the dwelling house on the lease premises to the dwelling house on the adjoining farm of 90 acres, with pipeline privileges. By that agreement dated March 11, 1932, of record in Deed Book 198, at Page 21, by and between George M. Miller, et al., and The Manufacturers Light and Heat Company, the parties agree to a reduction of gas well rental. By those Article of Agreement, dated December 14, 1954, of record in Deed Book 299, at Page 247, by and between Nelson M. Richards and Mildred Richards, his wife Harry Miller and Minnie Miller, his wife, and Roy Miller and Ruby Lee Miller, his wife, and The Manufacturers Light and Heat Company, the terms of the original lease were amended. The original lease was ratified by that instrument dated December 14, 1954, of record in Deed Book 299, at Page 250, by and between Harry Miller and Minnie Miller, his wife, Phillip C. Danley and Mrs. Danley, his wife, Harry Marshall, single, George Goeglein, widower, and The Manufacturers Light and Heat Company.
- d. Storage Agreement dated September 30, 1957, of record in Deed Book 325, at Page 88, by and between Desmond E. Richmond and Mary Richmond, his wife, and Nile H. Hinerman and Claudia Hinerman, his wife, as lessors, and The Manufacturers Light and Heat Company, as lessee, for the primary term of fifty (50) years, for the storage of gas in all strata.
- e. Oil and Gas Lease dated October 5, 1979, of record in Deed Book 479, at Page 619, by and between Desmond E. Richmond, widower, and Pan American Exploration, as lessee, for the primary term of ten (10) years. Said lease was assigned by that Assignment of Oil and Gas Leases dated July 23, 1980, of record in Deed Book 484, at Page 375, from Pan American Exploration to American Hunter Exploration, Ltd.

That I know of my own knowledge that no oil and/or gas is currently being produced under the terms of the aforesaid Leases upon any of the above described property; that to my knowledge no royalties are currently being paid pursuant to the aforesaid Leases on the above described property; and that I know to the best of my own knowledge that the aforesaid Leases have heretofore been abandoned, surrendered and otherwise terminated.

I further state that I know to the best of my own knowledge that no production of oil and/or gas is currently being produced pursuant to the aforesaid Leases on other property covered by said Leases, if any, or other property pooled or unitized therewith, if any.

Further Affiant sayeth naught.

Executed this 9 day of Apr; 1, 2009



## ACKNOWLEDGEMENT

STATE OF West Virginia }  
 COUNTY OF Kanawha } SS:

On the 9 day of Apr. 1, 2009, before me personally came the above named: John C. Richards, being person(s) known to me to be the same person(s) described herein and who acknowledge having executed the foregoing instrument.

My commission expires 3/25/2013

Mary Beth Atkins  
 Signature / Notary Public

Mary Beth Atkins  
 Name / Notary Public (print)

County Recorder: Please return recorded document to Mason Dixon Energy, Inc., 101 Cambridge Place, Bridgeport, WV 26330



JAN PEST  
 MARSHALL County 02:30:34 PM  
 Instrument No 1268775  
 Date Recorded 05/14/2009  
 Document Type 086  
 Book-Page 680-447  
 Recording Fee \$5.00  
 Additional \$6.00

STATE OF WEST VIRGINIA, MARSHALL COUNTY, SCT.:

I, JAN PEST, Clerk of the County Commission of said County, do hereby certify that the annexed writing, bearing date on the 9th day of April 2009, was presented for and by me, admitted to record in my office upon the above certificate as to the parties therein named this 4th day of May, 2009 at 2:30 o'clock P.M.

TESTE: JAN PEST Clerk